

**UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK**

-----X		
GLOBAL CROSSING	:	
TELECOMMUNICATIONS, INC.,	:	
	:	
Plaintiff,	:	Adv. Pro. No. 07-1942 (SMB)
-against-	:	
	:	
CCT COMMUNICATIONS, INC.	:	
	:	
Defendant.	:	
-----X		

**UNOPPOSED MOTION BY DUANE MORRIS LLP TO
WITHDRAW AS LITIGATION COUNSEL FOR CCT COMMUNICATIONS, INC.**

In accordance with its representation to the Court during the last motions hearing in this case (September 2, 2010), Duane Morris LLP, pursuant to Local Bankruptcy Rule 2090-1, submits this unopposed motion to withdraw as litigation counsel for defendant/counter-plaintiff CCT Communications, Inc. ("CCT"). In support thereof, movant respectfully shows:

1. On or about March 6, 2009, the Court entered an order approving Duane Morris LLP as telecommunications counsel and special litigation counsel for CCT in this proceeding. Subsequently, on or about November 24, 2009 the Court dismissed CCT's bankruptcy petition while retaining jurisdiction over this case.
2. On or about September 2, 2010, CCT informed the Court that it was retaining new litigation counsel to replace Duane Morris. (Declaration of Glenn B. Manishin, dated November 3, 2010 ("Manishin Decl."), ¶ 2 and Tr. 52-53, attached as Exhibit A to Manishin Decl.) Since that time, James Karamanis, Esq. of Zane D. Smith & Assocs. Ltd., Chicago, Illinois, has acted as lead litigation counsel for CCT in this case.

3. Mr. Karamanis entered his appearance in the related suit by CCT against Zone Telecom, Inc. (previously a second adversary proceeding before this Court), pending in Danbury, Connecticut, on October 8, 2010; a *pro hac vice* motion was granted by the state court in that action on October 18, 2010.¹ Nonetheless, Mr. Karamanis declined to enter into a stipulation for substitution of counsel in this case, to which Global Crossing had no objection, or to permit Duane Morris' attorneys to sponsor his application for *pro hac vice* admission to this Court. (Manishin Decl. ¶ 3 and Exh. B.)

4. On November 1, 2010, however, Mr. Karamanis advised that he “ha[s] contacted NY counsel who has agreed to function as local counsel for my firm” and “suggest[ed]” that Duane Morris “proceed with [its] motion” to withdraw. (Manishin Decl. ¶ 4 and Exh. C.)

5. Glenn Manishin of Duane Morris previously represented to the Court that substitution would occur by Sept. 12, 2010, based on an agreement among the Duane Morris firm, CCT and Dean Vlahos as to substitution of counsel and other matters, under which new litigation counsel was to have formally appeared by September 12th. Since that time, however, CCT has not complied with the agreement and Duane Morris has sought unsuccessfully to communicate with Mr. Vlahos by telephone or email. Under these circumstances, the settled substantive criteria for court approval of a lawyer's withdrawal from pending litigation are satisfied.

6. Global Crossing does not oppose this motion. Permitting withdrawal of Duane Morris in favor of Mr. Karamanis and the Zane Smith law firm will not prejudice the parties or the interests of justice, as there is substantial time still remaining before the January 14, 2011

¹ *CCT Communications, Inc., v. Zone Telecom, Inc.*, Docket No. CV-10-60022116-S (Sup. Ct., Danbury Dist.).

cutoff of fact discovery and dates for briefing dispositive motion(s) and a pretrial conference have yet to be set by the Court.

CONCLUSION

The Court should grant this motion and permit Duane Morris LLP to withdraw as counsel for CCT. Duane Morris respectfully asks that the Clerk be directed to terminate the appearances of Glenn Manishin, Fran Jacobs, John Dellaportas, Joseph Lemkin, Justin D'Elia, William Votta, and Lawrence Kotler, along with all other Duane Morris attorneys of record in this case. A proposed order is submitted herewith.

Dated: Washington, DC
November 3, 2010

Respectfully submitted,

DUANE MORRIS LLP

By: /s/ Glenn B. Manishin
Glenn B. Manishin
(admitted *pro hac vice*)
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By: /s/ Joseph H. Lemkin
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Attorneys for CCT Communications, Inc.

CERTIFICATE OF SERVICE

I, Joseph Ferretti, hereby certify that on November 3, 2010, I caused to be served the foregoing Unopposed Motion By Duane Morris LLP to Withdraw As Litigation Counsel for CCT Communications, Inc., along with the Declaration of Glenn B. Manishin in support of the Motion, by filing same with the Clerk of the Court using the ECF system and via overnight delivery to James Brandt, Esq., Latham & Watkins LLP, 885 Third Avenue, New York NY 10022-4834 and to James A. Karamanis, Esq., Zane D. Smith & Assocs. Ltd., 415 North LaSalle Drive, Suite 300, Chicago, IL 60610.

/s/ Joseph S. Ferretti
Joseph S. Ferretti

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Adv. Pro. No. 07-1942 (SMB)

**[PROPOSED] ORDER GRANTING WITHDRAWAL BY DUANE MORRIS LLP
AS LITIGATION COUNSEL FOR CCT COMMUNICATIONS, INC.**

Upon consideration of the Unopposed Motion By Duane Morris LLP to Withdraw As Litigation Counsel for CCT Communications, Inc., the Court finds that cause is shown for the withdrawal of Duane Morris as litigation counsel.

THEREFORE, it is ORDERED that the Unopposed Motion By Duane Morris LLP to Withdraw As Litigation Counsel for CCT Communications, Inc. shall be and is hereby GRANTED; and it is further

ORDERED, that the Clerk is directed to terminate the appearance as counsel of record for CCT Communications, Inc. of the law firm of Duane Morris LLP and the following attorneys practicing at the Duane Morris firm: Glenn Manishin, Fran Jacobs, John Dellaportas, Joseph Lemkin, Justin D'Elia, William Votta, and Lawrence Kotler.

STUART M. BERNSTEIN
United States Bankruptcy Judge